

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA]
] No. 3:08-00088
v.] JUDGE HIGGINS
] TIMOTHY ORLANDO WHITE]

ORDER

In accordance with the Memorandum entered contemporaneously, defendant Timothy Orlando White's objections to the Presentence Investigation Report ("PSR") are hereby overruled.

The Court finds that the defendant's 1997 juvenile adjudication for aggravated assault qualifies as a prior violent felony conviction under the Armed Career Criminal Act ("ACCA"). 18 U.S.C. § 924(e). Because the defendant's criminal history includes three prior violent felony convictions as set forth in paragraph 21 of the PSR, the Court further finds that the defendant is subject under the ACCA to a term of imprisonment of not less than fifteen (15) years.

The Court further finds that the defendant's juvenile record was properly presented to the Court for consideration in sentencing. 18 U.S.C. § 3661; United States v. Murphy, 89 Fed. Appx. 516, 518 (6th Cir. 2004).

It is so ORDERED.

Thomas A. Higgins /
THOMAS A. HIGGINS
UNITED STATES DISTRICT JUDGE
1-12-10